

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

STEPHEN L. DAVIS AND CITY OF ST. CLAIR SHORES POLICE AND FIRE RETIREMENT SYSTEM, Derivatively on Behalf of ACUITY BRANDS, INC.,	)	
	)	
	)	
	)	Civil Action No.
	)	1:21-cv-04067-MHC
Plaintiffs,	)	
vs.	)	
	)	
VERNON J. NAGEL, RICHARD K. REECE and MARK A. BLACK,	)	
	)	
	)	
Defendants.	)	
	)	
- and -	)	
	)	
ACUITY BRANDS, INC., a Delaware Corporation,	)	
Nominal Defendant.	)	

**INDIVIDUAL DEFENDANTS' MOTION TO DISMISS**

Defendants Vernon J. Nagel, Richard K. Reece, and Mark A. Black (the “Individual Defendants”) join in and adopt Nominal Defendant Acuity Brands, Inc.’s Motion to Stay or Dismiss the above-captioned action [ECF No. 21]. In addition, for reasons set forth more fully in the supporting memorandum of law filed concurrently herewith, the Individual Defendants move to dismiss the claims asserted against them pursuant to Rules 9(b), 12(b)(1), 12(b)(6) and 23.1 of the Federal Rules of Civil Procedure and applicable Delaware law.

Respectfully submitted this 14th day of December 2021.

*s/ Michael R. Smith*

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**RULE 7.1(D) CERTIFICATION**

The undersigned counsel certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C).

Respectfully submitted this 14th day of December 2021.

*s/ Michael R. Smith*

Michael R. Smith

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

/s/ Michael R. Smith

Michael R. Smith

Georgia Bar Number: 661689